

LAW OFFICES
Stetina Brunda Garred & Brucker
A PROFESSIONAL CORPORATION
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656

KIT M. STETINA
BRUCE B. BRUNDA
WILLIAM J. BRUCKER
MARK B. GARRED
MATTHEW A. NEWBOLES
ERIC L. TANEZAKI
LOWELL ANDERSON

SEAN O'NEILL
JAMES C. YANG
SHUNSUKE S. SUMITANI
STEPHEN Z. VEGH
AMY L. CROCETTI
BENJAMIN N. DIEDERICH
MICHAEL J. ZINGALE

AMICHAI KOTEV †

TELEPHONE (949) 855-1246
FACSIMILE I (949) 855-6371
FACSIMILE II (949) 716-8197
www.stetinalaw.com
Writer's Direct E-mail:
mnewboles@stetinalaw.com

April 18, 2007

TO: BRIDGET C. MONROE, Patent Appeal Center Specialist
COMPANY: USPTO
FROM: MATTHEW A. NEWBOLES
OUR REF: CULLN-001B YOUR REF:
FAX NO.: (571) 273-1651
NO. OF PAGES INCLUDING THIS COVER SHEET 3

IF YOU DO NOT RECEIVE ALL OF THE PAGES OF THIS FAX OR IF THEY ARE ILLEGIBLE, PLEASE CALL LINDA JOHNSON AT (949) 855-1246.

Dear Bridget:

Thank you so much for taking the time to speak with me regarding Applicant's Appeal Brief re: US Patent Application Serial Number 10/644,255. Per your instructions, I am faxing herewith a brief response and amended page 4 of Applicant's Appeal Brief received October 5, 2006 which indicates in Section III STATUS OF CLAIMS that claims 1-39 were previously cancelled. As we discussed, merely indicating that claims 1-39 had been cancelled is the only matter that needed to be addressed.

As we further discussed, it is my understanding that you will see to it that the substitute page 4 of Applicant's Appeal Brief will be scanned in as quickly as possible and that no delay will result with the appeal. To that end, I would like to thank you so much for your assistance and prompt handling of this matter. To the extent you should have any questions, require further information and/or there is anything I can do to assist you to help expedite the appeals process, please do not hesitate to contact me.

Matthew A. Newboles

* ADMITTED TO PENNSYLVANIA BAR ONLY
† PATENT AGENT

Application No.: 10/644,255
Response to Office Action of July 26, 2005
Attorney Docket: CULLN-001B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark Cullen)	Confirmation No. 6075
)	
Serial No.: 10/644,255)	Art Unit: 1764
)	
Filed: August 20, 2003)	Examiner: Tam M. Nguyen
)	
For: Treatment of Crude Oil Fractions,)	
<u>Fossil Fuels & Products Thereof</u>)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Attention: Bridget C. Monroe, Patent Appeal Center Specialist
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Ms. Monroe:


In response to the Notification of Non-compliant Appeal Brief, as well as to follow up our conversation earlier today, Applicant submits herewith a revised page 4 of the Appeal Brief filed on October 5, 2006 which indicates in Section III STATUS OF CLAIMS, that Claims 1-39 had previously been cancelled. But for this statement regarding the status of Claims 1-39, no other outstanding issues exist.

Applicant and the undersigned would like to thank you for your assistance, professional courtesy and prompt handling of this matter. To the extent you have any questions, require additional information and/or there are any other outstanding matters that need to be addressed, please do not hesitate to contact me.

Respectfully submitted,

Date: 4/18/07

By:



Customer No.: 007663

Matthew A. Newboles Registration No. 36,224
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250, Aliso Viejo, CA 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

Application No.: 10/644,255
Attorney Docket: CULLN-001B

I. REAL PARTY IN INTEREST

The real party in interest is Petrosonics, LLC by assignment recorded in the U.S. Patent and Trademark Office on April 18, 2006 at Reel 017486, Frame 0704.

II. RELATED APPEALS AND INTERFERENCES

Appeals are pending on United States Patent Application Numbers 10/411,796 and 10/429,369, which have the same Applicant, are owned by the same Assignee, and are directed toward similar subject matter. Also, a complaint has been filed by SULPHCO, INC., a Nevada corporation, against MARK CULLEN, the inventor of the here-appealed application. The complaint, assigned Case No. CV06-01490, was filed on June 26, 2006, in the Second Judicial District Court of the State of Nevada in and for the County of Washoe and concerns the ownership of the here-appealed application.

III. STATUS OF CLAIMS

Claims 1-39 were cancelled prior to the filing of the Notice of Appeal. Claims 40-88 stand rejected pursuant to the reopening of prosecution as set forth in the non-final Office Action dated August 8, 2006, which was again issued on September 5, 2006 with the requisite signature of a Supervisory Patent Examiner, per M.P.E.P. §1207.04. Claims 40-88 are hereby being appealed.

IV. STATUS OF AMENDMENTS

Appellant's Amendment filed on March 20, 2006, after the final rejection, was entered by the Examiner prior to the first appeal.